

JAN 08 2004

Atty Docket No. 21154-000510US

OFFICIAL

PTO FAX NO.: (703) 872-9306

ATTENTION: Centralized Fax No.

Group Art Unit: 2171

TELEPHONE NO.: (703) 306-5631

**OFFICIAL COMMUNICATION
POWER OF ATTORNEY, STATEMENT UNDER 3.73(B)
WITH COPY OF ASSIGNMENT FOR ENTRY IN U.S.
PATENT APPLICATION NO. 10/650,189
FILED AUGUST 27, 2003**

CERTIFICATION OF FACSIMILE TRANSMISSION

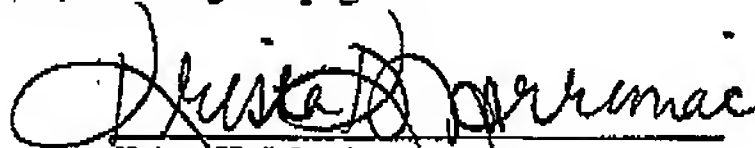
I hereby certify that the following document(s) in re U.S. Application of ALBERT LEUNG et al., Application No. 10/650,189, filed August 27, 2003 for TECHNIQUES FOR BALANCING CAPACITY UTILIZATION IN A STORAGE ENVIRONMENT are being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Document(s) Attached

1. SB/21 Transmittal (1 page)
2. Power of Attorney (1 page)
3. Statement Under 3.73(b) with copy of Assignment (5 pages)

Number of pages being transmitted, including this page: 8

Dated: January 8, 2004


Krista K. Merrimac


PLEASE CONFIRM RECEIPT OF THIS PAPER BY RETURN FACSIMILE AT (650) 326-2422

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834
Telephone: 650-326-2400
Fax: 650-326-2422
60114331 v1

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/650,189
		Filing Date	August 27, 2003
		First Named Inventor	Leung, Albert
		Art Unit	2171
		Examiner Name	To Be Assigned
Total Number of Pages in This Submission	8	Attorney Docket Number	21154-000510US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Power of Attorney, Statement Under 3.73(b), Copy of Assignment, Certification of Facsimile Transmission
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Townsend and Townsend and Crew LLP Sujit B. Kotwal Reg. No. 43,336
Signature	S. B. Kotwal
Date	January 8, 2004

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (703) 872-9306 on January 8, 2004.	
Typed or printed name	Krista K. Merrimac
Signature	
Date	January 8, 2004

60114310 v1

PTO/SB/61 (08-09)

POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM	Application Number	10/650,189
	Filing Date	August 27, 2003
	First Named Inventor	Leung, Albert
	Title	Techniques for Balancing Capacity Utilization in a Storage Environment
	Art Unit	2171
	Examiner Name	To Be Assigned
	Attorney Docket Number	21154-000510US

I hereby appoint:

☒ Practitioners associated with the Customer Number

20350

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

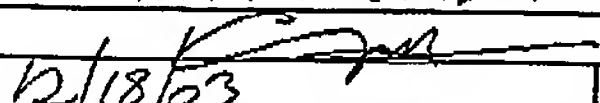
OR

<input type="checkbox"/> Firm or Individual Name				
Address				
Address				
City		State		ZIP
Country				
Telephone		Fax		

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name	GIOVANNI BLUSKA		
Signature			
Date	12/18/03	Telephone	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

60061523 v1

PTO/SB/06 (05-03)
 Approved for use through 04/30/2003. OMB 0651-0081
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
 Attorney Docket No. 21154-000510US

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Albert Laung et al.Application No./Patent No.: 10/650,189Filed/Issue Date: August 27, 2003Entitled: TECHNIQUES FOR BALANCING CAPACITY UTILIZATION IN A STORAGE ENVIRONMENTArkivio, Inc., a Delaware corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
 2. ☐ an assignee of less than the entire right, title and interest.
 The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

12/18/03
 Date
650 237 6101
 Telephone number

GIOVANNI PALISKA
 Typed or printed name
[Signature]
 Signature
CEO
 Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-766-9199) and select option 2.

60045064 v1

Attorney Docket No.: 21154-000510US

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Albert Leung of 1926 Alford Avenue, Los Altos, California 94024; Giovanni Paliska of 2400 West El Camino Real, #1019, Mountain View, California 94040; Bruce Greenblatt of 6841 Heaton Moor Drive, San Jose, California 95119; Claudia Chandra of 22330 Homestead Rd. #213, Cupertino, California 95014 hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: **TECHNIQUES FOR BALANCING CAPACITY
UTILIZATION IN A STORAGE ENVIRONMENT**

Date(s) of execution of Declaration: August 27, 2003 (Leung, Paliska, Greenblatt, Chandra)

Filing Date: August 27, 2003

Application No.: 10/650,189; and

WHEREAS, Arkivio, Inc., a corporation of the state of Delaware, located at 2700 Garcia Avenue, Mountain View, California, 94043, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 12/18/03

WITNESSES:

Dated: 12/18/3

Dated: 12/18/03


Albert Loung

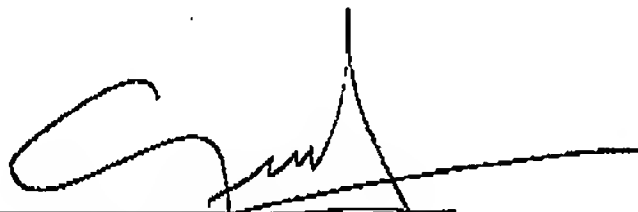
Name: James Potoch

Name: Matthew J. Foley

COPY


Assignment
Attorney Docket No.: 21154-000510US
Page 2

Dated: 12/18/03

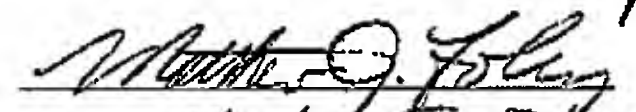

Giovanni Paliska

WITNESSES:

Dated: 12/18/3


Name: James Potoch

Dated: 12/18/03


Name: Matthew J. Foley

COPY

Assignment

Attorney Docket No.: 21154-000510US

Page 3

Dated: 12/18/03

Bruce Greenblatt
Bruce Greenblatt

WITNESSES:

Dated: 12/18/03

James Poter
Name: James Poter

Dated: 12/18/03

Matthew J. Foley
Name: Matthew J. Foley

COPY

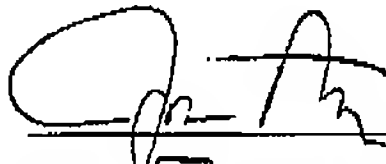
Assignment
Attorney Docket No.: 21154-000510US
Page 4

Dated: 12/18/03

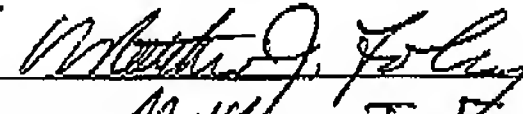

Claudia Chandra

WITNESSES:

Dated: 12/18/03


Name: James Potockny

Dated: 12/18/03


Name: Matthew J. Foley

COPY